

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
(CHICAGO)

IN RE)	
)	
VALE BAJORINIENE,)	No. 09-05680
)	Chapter 7
Debtor.)	
_____)	Hon. Judge John H. Squires
)	
VON MAUR, INC.,)	
)	
Plaintiff,)	
)	Adversary Proceeding No. _____
vs.)	
)	
VALE BAJORINIENE,)	
)	
Defendant.)	
)	
)	

COMPLAINT TO DETERMINE DISCHARGEABILITY

COMES NOW Plaintiff, Von Maur, Inc., by its attorneys, Lane & Waterman LLP, and for its cause of action against the Debtor, Vale Bajoriniene, hereby states:

1. This Court has jurisdiction of this matter pursuant to 28 U.S.C. § 1334. This adversary proceeding relates to the above-captioned bankruptcy case now pending in this Court. Reference of this case to this Court is pursuant to 28 U.S.C. § 157(a). Venue is proper in this Court pursuant to 28 U.S.C. § 1409.

2. This complaint is a core proceeding.

3. Von Maur, Inc. ("Von Maur") is an Illinois corporation.

4. Defendant is an individual Debtor.

5. Von Maur operates department stores in St. Charles, Illinois, Glenview, Illinois, and Lombard, Illinois.

6. Between November 30, 2008 and February 14, 2009, Defendant purchased approximately twenty-four (24) items at Von Maur's department stores. These items include designer jewelry priced at \$310, denim jeans priced at \$200 and seven purchases in the Fragrance Department. The total purchase price for the items is \$1,935.83. The items purchased are identified on Exhibit "A" attached hereto.

7. Defendant charged the items listed on Exhibit "A" to her Von Maur charge, account number 016026452.

8. Von Maur received a payment of \$45 on December 26, 2008 and a payment of \$35 on January 18, 2009. No other payments were received by Von Maur after the purchases were made.

9. The items purchased by the Defendant constitute luxury goods within the meaning of Bankruptcy Code § 523(a)(2)(C).

10. Upon information and belief, the items identified above were purchased by the Defendant without any intention of making payment therefor and, accordingly, the indebtedness owed to Von Maur is not dischargeable pursuant to Bankruptcy Code § 523(a)(2)(A) or 523(a)(6).

WHEREFORE, Plaintiff, Von Maur, Inc., requests that the Court enter judgment in its favor and against the Defendant providing that the indebtedness owed to Von Maur, Inc. in the amount of \$1,855.83 is not dischargeable and for such other and further relief as is just and equitable in the circumstances.

/s/ Richard A. Davidson
Richard A. Davidson ARDC
LANE& WATERMAN LLP
220 N. Main Street, Suite 600
Davenport, IA 52801
Telephone: (563) 324-3426
Fax: (563) 324-1616
Email: rdavidson@l-wlaw.com
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

On this _____ day of March, 2009, the document to which this Certificate is attached was delivered to the parties in interest via the bankruptcy court's electronic noticing system by the office of Lane & Waterman LLP.

/s/ Richard A. Davidson
U.S. Trustee
Bankruptcy Trustee
Alexey Y. Kaplan
Yanick Polycarpe

VN CHARGE

VON MAUR

CHARLESTONVE MALL
51 CHARLES, IL 60134
(630)377-9987

0021/016 6386 SALE 245126

Designer Jewelry 10310.00 310.00
805/1652270 SUBTOTAL 310.00
63: 8.00% IL TAX 24.80
TOTAL 334.80

ACCOUNT NUMBER XXXXX6452
11/
VON MAUR CHARGE 334.80

Visit us online at www.vonmaur.com

SIGN: VALE BRAJORINIENE

AUDIT COPY
16:54 2/14/09

VN CHARGE

VON MAUR

CHARLESTONVE MALL
51 CHARLES, IL 60134
(630)377-9987

0021/017 5896 SALE 425207

975\Younmens Knits 1818.00 18.00
883819471892 1818.00
975\Younmens Knits 1070.00 70.00
8033666481830 1070.00
995\Youn Mens Denim 1830.00 30.00
883819465129 1830.00
628\Boys 4-7 1834.00 34.00
882816482979 1828.00 28.00
628\Boys 4-7 1828.00
882816482429 1833.00 33.00
346\Mod Petite Coor
676042161742 1833.00
594\Hens Athletic
88381935064 1832.00 32.00
584\Womens Moderate
053598313139 1895.00 95.00
584\Womens Moderate
053598881100 1895.00 95.00
63: 8.00% IL TAX 34.80
TOTAL 469.80

ACCOUNT NUMBER XXXXX6452
11/
VON MAUR CHARGE 469.80

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SIGN: VALE BRAJORINIENE

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16:56 2/14/09

VON MAUR

6565 Brady Street
Davenport, IA 52808

LONG TERM CONTRACT

10 MONTHS NO INTEREST OR FINANCE CHARGES

ITEM *bulletier clothing shoes* 80460 IN 10 MONTH

I AGREE TO PAY VON MAUR'S *80460* BEGINNING WITH THE NEXT BALANCE

PAYMENTS OF \$ *80.46*

CYCLE CLOSING DATE.

WITH RESPECT TO THIS PURCHASE I CONSENT TO MODIFICATION OF

THE TERMS AND CONDITIONS OF MY VON MAUR CHARGE ACCOUNT A

FOLLOWS:

I SHALL MAKE TO MONTHLY PAYMENTS AS SPECIFIED ABOVE

MINIMUM PURCHASE \$800

NOTICE TO BUYER
1. DO NOT SIGN THIS AGREEMENT BEFORE YOU READ IT OR IF IT
CONTAINS ANY BLANK SPACES.

2. YOU ARE ENTITLED TO AN EXACT COPY OF THE AGREEMENT
YOU SIGN.

BUYER AGREES TO ABIDE BY THE TERMS OF THIS AGREEMENT
AND MODIFICATION OF THE TERMS OF BUYER'S CHARGE
ACCOUNT AND ACKNOWLEDGES RECEIPT OF A FULLY COMPLET
COPY OF THIS AGREEMENT AND MODIFICATION EXECUTED
BOTH THE SELLER AND THE BUYER.

SIGNATURE *[Signature]*
DATE *2/14/09*
CHARGE ACCOUNT NO. *016026452*

9537655

VON MAUR

VON TOWN CENTER
LAKESHORE, IL 60148
(847) 224-4199

VH CHARGE

VON MAUR

THE GLEN TOWN CENTER
GLENVIEW, IL 60038
(847) 224-4199

VON MAUR

CHARLESTOWN MALL
ST. CHARLES, IL 60174
(630) 377-9987

VH CHARGE

0021/023 0471 SALE 455386

975\Youngmens Knits
883819996364 1870.00 70.00
995\Young Mens Denim
8033031687645 18200.00 200.00
SUBTOTAL 270.00
63: 8.00% IL TAX 21.60
TOTAL 291.60

ACCOUNT NUMBER XXXXX645
11/
VON MAUR CHARGE 291.60

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SIGN: WALE BAJORINENE

AUDIT COPY
17:10 2/14/09

0014/020 2563 SALE 476135

275\Hens Fragrance
3439600695878 1867.00 67.00
275\Hens Fragrance
8029178120503 1865.00 65.00
275\Hens Fragrance
3439600672077 1825.00 25.00
275\Hens Fragrance
737052036649 1870.00 70.00
275\Hens Fragrance
8011003996704 1855.00 55.00
271\Women's Fragrance
03165720531 1857.00 57.00
271\Women's Fragrance
737052074320 1882.00 82.00
Traditional Class
42078719668 1852.00 52.00
975\Youngmens Knits
883819458954 1822.00 22.00
980\Casual Socks
884126041994 1840.00 40.00
949\Mens Collections
84081131922 1848.00 48.00
SUBTOTAL 583.00
41: 8.25% IL TAX 48.10
TOTAL 631.10

ACCOUNT NUMBER XXXXX6452
11/
VON MAUR CHARGE 631.10

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SIGN: WALE BAJORINENE